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Paper Number

In re application of

Horst Farber

Serial No. 09/603,528

Filed: June 23, 2000

For: **SAMPLING TUBE AND METHOD OF MAKING SAME :**

:
: **DECISION ON**
: **PETITION**

This is a response to the REQUEST TO WITHDRAW NOTICE OF ABANDONMENT originally filed March 19, 2005. The request asks that the abandonment, as set forth in the Notice of Abandonment of March 11, 2005, for failure to timely respond to the Final Office Action of January 15, 2004 be withdrawn. The requester asserts that a timely response in the form of a REQUEST FOR CONTINUED EXAMINATION was filed on July 09, 2004 along with a an Amendment after Final, Petition for Extension of Time, and Request for Continued Examination all filed on July 08, 2004 as evidenced by copy of the stamped postcard receipts.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the USPTO application file reveals that applicant's response, REQUEST FOR CONTINUED EXAMINATION, was properly filed on July 09, 2004 in view of the fact that the originally filed papers having a Patent and Trademark Office receipt stamp of July 09, 2004 and July 08, 2004 thereon have been located in the USPTO electronic application file. Also it is noted that a review of the financial records associated with the application file indicate a fee was charged on July 14, 2004 for the Request for Continued Examination. Accordingly, any holding of abandonment is hereby vacated, and the application has been returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers filed July 09, 2004 and July 08, 2004.

The Petition is **GRANTED**.

Instone

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